

There was a British act of 1777, which denied the writ to "persons taken in the act of high treason, committed in any of the colonies, or on the high seas, or in the act of piracy, or who were charged with or suspected of any of those crimes." (Hurd. 132.)

The other suspensions in England after our revolution commenced in 1794, and continued at intervals till 1802, during the storms of the French Revolution. They are of the same character as those before, and affected those only who were charged with conspiring against the King and his government. The suspension during Shay's rebellion extended to crime or suspected crime. The attempted suspension in 1807 was confined to persons charged "with treason or other high crime or misdemeanor, endangering the peace, safety or neutrality of the United States." The idea cannot be entertained for a moment that the power of suspending the writ was granted for any such purpose as that of depriving a citizen of the privilege of a legal enquiry into his obligation to perform military service, in order to fill the army with soldiers. If such a power exist, the sovereignty of the States is at the mercy of the Confederate government. Where lies the relief against the conscription of the entire body of State officers? By this act it is deposited with the President alone! His officers alone can give the discharge—Confederate officers chosen without even the consent of the Senate, and removed at will. The appropriate tribunals are entirely over-looked: the State Judges are thrust aside without ceremony, and even the Confederate Judge, who holds his office during good behaviour, is ignored, and in their room is placed an officer who lives on the breath of the Confederate Executive. If the State officers are not put into the army under such power in the Executive, it is because the incumbent does not will it; and when the rights of the State shall exist by such a courtesy, they will cease to have any existence at all. It is hard to divine a sufficient reason for displacing the civil tribunals already established, and substituting others so dependent upon the Executive for their existence.—